

**RECEIVED  
CENTRAL FAX CENTER****NOV 28 2005****Nixon & Vanderhye PC**  
ATTORNEY AT LAW11TH FLOOR  
901 NORTH GLEBE ROAD  
ARLINGTON, VIRGINIA 22203-1808TELEPHONE: (703) 816-4000  
FACSIMILE: (703) 816-4100  
WRITER'S DIRECT DIAL NUMBER:  
**(703) 816-4011****FACSIMILE COVER SHEET**  
**PLEASE DELIVER IMMEDIATELY!!!!**Atty Dkt.: 4598-2Date: November 28, 2005To: Examiner Royds, L. - Group: 1614Firm: USPTOFacsimile No.: (571) 273-8300From: Mary J. WilsonNumber of Pages (including cover sheet): 5(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,  
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).Tabitha A. Trice  
FACSIMILE OPERATOR**CERTIFICATION OF FACSIMILE TRANSMISSION**I hereby certify that this paper and any noted attachments are being facsimile transmitted to the Patent  
and Trademark Office on November 28, 2005.Mary J. Wilson  
Mary J. WilsonATTACHMENT/S: **OFFICIAL AMENDMENT/RESPONSE****MESSAGE:**In re **PATENT APPLICATION OF:****BROWN et al**Serial No.: **10/723,420**Filed: **November 26, 2003**For: **BIOLOGICALLY ACTIVE METHYLENE BLUE DERIVATIVES****CONFIDENTIALITY NOTE**The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or legally  
privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED RECIPIENT, YOU  
ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE  
WHATSOEVER IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to arrange for  
return of the original documents to us.**BEST AVAILABLE COPY**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4598-2  
C# M#

BROWN et al

TC/A.U. 1614

Serial No. 10/723,420

Examiner: Royds, L.

Filed: November 26, 2003

Date: November 28, 2005

Title: BIOLOGICALLY ACTIVE METHYLENE BLUE DERIVATIVES

RECEIVED  
CENTRAL FAX CENTER  
NOV 28 2005Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)  
One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 0.0

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

**TOTAL FEE (CREDIT CARD PAYMENT FORM) \$ 0.0**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tatNIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955Signature: Mary J. Wilson

BEST AVAILABLE COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 4598-2

C# M#

BROWN et al

TC/A.U.

1614

Serial No. 10/723,420

Examiner: Royds, L.

Filed: November 26, 2003

Date: November 28, 2005

Title: BIOLOGICALLY ACTIVE METHYLENE BLUE DERIVATIVES

RECEIVED  
CENTRAL FAX CENTER

NOV 28 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)  
One Month Extension \$120.00 (1251)/\$60.00 (2251)  
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 0.0

Terminal disclaimer enclosed, add  
\$130.00 (1814)/\$65.00 (2814) \$

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

**TOTAL FEE (CREDIT CARD PAYMENT FORM) \$ 0.0**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor  
Arlington, Virginia 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
MJW:tatNIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32955Signature: Mary J. Wilson

BEST AVAILABLE COPY

RECEIVED  
CENTRAL FAX CENTER

NOV 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BROWN et al

Atty. Ref.: 4598-2; Confirmation No. 2642

Appl. No. 10/723,420

TC/A.U. 1614

Filed: November 26, 2003

Examiner: Royds, L.

For: BIOLOGICALLY ACTIVE METHYLENE BLUE DERIVATIVES

\* \* \* \* \*

November 28, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AMENDMENT/RESPONSE

In response to the Examiner's requirement for restriction, set forth in the Office Action dated October 27, 2005, Applicants elect the subject matter of Group VII (claims 77-79, 84, 89-91, 93 and 95, drawn to methods of treating microbial infections, burn wounds, etc.). The election is made with traverse and the Examiner is urged to reconsider and withdraw the requirement for restriction, at least as between the subject matter of Groups I-VII. All of these Groups are classed and subclassed identically and thus no undue burden would be placed on the Examiner from the standpoint of searching if they were to be considered together.

Further, Applicants wish to elect the tetra butyl compound as the single species; this is 3,7-(tetra-n-butylamino)-phenothiazin-5-ium bromide as shown as compound 2 in Table 1 and in Table 5. Compound 2 is a compound of Formula (I) in which both A and B are both  $-NR^1R^2$ ;  $R^1$

BROWN et al  
Appl. No. 10/723,420  
November 28, 2005


and R<sup>2</sup> are both n-butyl; P = 1; and X<sup>P</sup> is bromide. Elected claims readable on the elected species include claims 77-79, 84, 89-91, 93 and 95.

An early and favorable Action on the merits is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: \_\_\_\_\_

  
Mary J. Wilson  
Reg. No. 32,955

MJW:tat  
901 North Glebe Road, 11th Floor  
Arlington, VA 222031-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100